

HON. JOHN C. COUGHENOUR

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT SEATTLE

HEATHER DIME,

Plaintiff

v.

METROPOLITAN LIFE INSURANCE
COMPANY,

Defendant.

No. 2:24-cv-00827-JCC

STIPULATED MOTION FOR LEAVE TO
FILE DOCUMENT UNDER SEAL AND
~~[PROPOSED]~~ ORDER

NOTED FOR: October 22, 2024

I. Relief Requested

The parties respectfully move the Court, pursuant to Federal Rule of Civil Procedure 5.2(d) and Local Civil Rule 5(g), to order that the administrative record in this action – the defendant insurance company’s claim file – be filed under seal, without redactions.

The parties propose that the Court tentatively order the document be filed under seal to allow an *in camera* review pending its disposition of this motion.

II. Relevant Facts and Legal Authority

This action arises under the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. § 1001 et seq. The Court will need to consider Defendant’s claim file to resolve the matter. That file is primarily medical records and other documents addressing Plaintiff’s medical condition.

1 A party seeking to seal a document attached to a dispositive motion must provide
2 compelling reasons “that outweigh the general history of access and the public policies
3 favoring disclosure[.]” *Kamakana v. City and County of Honolulu*, 447 F.3d 1172, 1179 (9th
4 Cir. 2006). The need to protect medical privacy qualifies as such a “compelling reason.”
5 *Karpenski v. Am. Gen. Life Companies, LLC*, No. 2:12-CV-01569-RSM, 2013 WL 5588312 at
6 *1 (W.D. Wash. Oct. 9, 2013) (citing *Kamakana*). See also, e.g., *S.L. by & through J.L. v.*
7 *Cross*, 675 F. Supp. 3d 1138, 1146-47 (W.D. Wash. 2023) (granting motion to file ERISA
8 record under seal because it contained sensitive personal health information); *Cont'l Med.*
9 *Transp. LLC v. Health Care Serv. Corp.*, No. C20-0115-JCC, 2021 WL 2072524, at *4 (W.D.
10 Wash. May 24, 2021), aff'd, No. 21-35481, 2022 WL 2045385 (9th Cir. June 7, 2022) (same);
11 *Gary v. Unum Life Ins. Co. of Am.*, No. 3:17-CV-01414-HZ, 2018 WL 1811470, at *3 (D. Or.
12 Apr. 17, 2018) (“[t]he parties have not presented, and the Court is not aware of, any cases
13 where medical information was not allowed to be filed under seal under the ‘compelling
14 reasons’ standard.”).

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16
17 Local Civil Rule 5.2(c) states that “in an action for benefits under the Social Security
18 Act” the “administrative record must be filed under seal” because those “actions are entitled to
19 special treatment due to the prevalence of sensitive information and the volume of filings.” *Id.*
20 That reasoning applies to this action. Sensitive information is found throughout the claim file.

21
22 As certified below, the parties discussed whether redaction would be a suitable
23 alternative. Due to the extensive redaction that would be necessary, the parties believe
24 redaction is not a reasonable alternative. Federal Rule of Civil Procedure 5.2(d) states that a
25 “court may order that a filing be made under seal without redaction” and the parties
26 respectfully move the Court to so order here.
27

III. Local Rule 5 (g)(3)(A) Certification

The parties certify pursuant to Local Rule 5(g)(3)(A) that the undersigned attorneys conferred on October 22, 2024, and agreed redaction was not a reasonable means to protect Plaintiff's medical privacy as the documents would need to be so extensively redacted.

IV. Conclusion

The parties respectfully move the Court to order that the administrative record in this action be filed under seal, without redaction.

RESPECTFULLY SUBMITTED this 22nd day of October 2024.

LAW OFFICE OF MEL CRAWFORD

GORDON REES SCULLY MANSUKHANI

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ORDER

The parties' stipulated motion for leave to file the administrative record under seal (Dkt. No. 14) is GRANTED. The parties are ORDERED to file a copy of the administrative record under seal and without redaction pursuant to Local Civil Rule 5.2(c). The electronic files containing the administrative record must be submitted in a searchable format. The administrative record will be maintained under seal until the Court issues an order on the parties' stipulated motion to seal.

DATED this 23rd day of October 2024.

A handwritten signature in black ink, reading "John C. Coughenour", written over a horizontal line.

Honorable John C. Coughenour
United State District Judge